



Senate

General Assembly

File No. 192

February Session, 2014

Substitute Senate Bill No. 235

Senate, March 31, 2014

The Committee on Transportation reported through SEN. MAYNARD of the 18th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING REVISIONS TO THE TRANSPORTATION STATUTES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 13b-2 of the general statutes is amended by
2 adding subdivision (10) as follows (*Effective October 1, 2014*):

3 (NEW) (10) "Fare inspector" means an employee of (A) the
4 department designated by the commissioner, or (B) a third-party
5 contractor employed by the department, whose duties are to inspect
6 tickets, passes or other documentation required to show compliance by
7 the passenger with the fare payment requirements of state-owned or
8 controlled bus public transportation service when the fare payment is
9 off board or a combination of off board and on board such bus.

10 Sec. 2. Subsection (a) of section 13b-34 of the general statutes is
11 repealed and the following is substituted in lieu thereof (*Effective*
12 *October 1, 2014*):

13 (a) The commissioner shall have power, in order to aid or promote
14 the operation, whether temporary or permanent, of any transportation
15 service operating to, from or in the state, to contract in the name of the
16 state with any person, including but not limited to any common
17 carrier, any transit district formed under chapter 103a or any special
18 act, or any political subdivision or entity, or with the United States or
19 any other state, or any agency, instrumentality, subdivision,
20 department or officer thereof, for purposes of initiating, continuing,
21 developing, providing or improving any such transportation service.
22 Such contracts may include provision for arbitration of disputed
23 issues. The commissioner, in order to aid or promote the operation of
24 any transportation service operating outside the state, may contract in
25 the name of the state with any person, including, but not limited to,
26 any common carrier, or with the United States or any other state, or
27 any agency, instrumentality, subdivision, department or officer
28 thereof, for purposes of providing any transportation service in the
29 event such assistance is required in the case of an emergency or a
30 special event. The state, acting by and through the commissioner, may,
31 by itself or in concert with others, provide all or a portion of any such
32 service, share in the costs of or provide funds for such service, or
33 furnish equipment or facilities for use in such service upon such terms
34 and conditions as the commissioner may deem necessary or advisable,
35 and any such contracts may include, without limitation thereto,
36 arrangements under which the state shall so provide service, share
37 costs, provide funds or furnish equipment or facilities. To these ends,
38 the commissioner may in the name of the state acquire or obtain the
39 use of facilities and equipment employed in providing any such
40 service by gift, purchase, lease or other arrangements and may own
41 and operate any such facilities and equipment and establish, charge
42 and collect such fares and other charges or arrange for such collection
43 for the use or services thereof as he may deem necessary, convenient or
44 desirable. The commissioner or any fare inspector, as defined in
45 section 13b-2, as amended by this act, shall have the authority to issue
46 citations for violations of section 3 of this act. The commissioner may
47 also acquire title in fee simple to, or any lesser estate, interest or right

48 in, any rights-of-way, properties or facilities, including properties used
49 on or before October 1, 1969, for rail or other forms of transportation
50 services. The commissioner may hold such properties for future use by
51 the state and may enter into agreements for interim use of such
52 properties for other purposes. Any person contracting with the state
53 pursuant to this section for the provision of any transportation service
54 shall not be considered an arm or agent of the state. Any damages
55 caused by the operation of such transportation service by such person
56 may be recovered in a civil action brought against such person in the
57 superior court and such person may not assert the defense of sovereign
58 immunity in such action.

59 Sec. 3. (NEW) (*Effective October 1, 2014*) Any person who, with intent
60 to obtain state-owned or controlled bus public transportation service
61 without payment of the lawful charge therefor or to avoid payment of
62 the lawful charge for such service that has been rendered to such
63 person, obtains such service or avoids payment therefor by force,
64 intimidation, stealth, deception or mechanical tampering, or by
65 unjustifiable failure or refusal to pay, shall have committed an
66 infraction.

67 Sec. 4. Subdivision (7) of section 53a-119 of the 2014 supplement to
68 the general statutes is repealed and the following is substituted in lieu
69 thereof (*Effective October 1, 2014*):

70 (7) Theft of services. A person is guilty of theft of services when: (A)
71 With intent to avoid payment for restaurant services rendered, or for
72 services rendered to him as a transient guest at a hotel, motel, inn,
73 tourist cabin, rooming house or comparable establishment, he avoids
74 such payment by unjustifiable failure or refusal to pay, by stealth, or
75 by any misrepresentation of fact which he knows to be false; or (B) (i)
76 except as provided in section 3 of this act, with intent to obtain
77 railroad, subway, bus, air, taxi or any other public transportation
78 service without payment of the lawful charge therefor or to avoid
79 payment of the lawful charge for such transportation service which has
80 been rendered to him, he obtains such service or avoids payment

81 therefor by force, intimidation, stealth, deception or mechanical
82 tampering, or by unjustifiable failure or refusal to pay, or (ii) with
83 intent to obtain the use of equipment, including a motor vehicle,
84 without payment of the lawful charge therefor, or to avoid payment of
85 the lawful charge for such use which has been permitted him, he
86 obtains such use or avoids such payment therefor by means of any
87 false or fraudulent representation, fraudulent concealment, false
88 pretense or personation, trick, artifice or device, including, but not
89 limited to, a false representation as to his name, residence,
90 employment, or driver's license; or (C) obtaining or having control
91 over labor in the employ of another person, or of business, commercial
92 or industrial equipment or facilities of another person, knowing that he
93 is not entitled to the use thereof, and with intent to derive a
94 commercial or other substantial benefit for himself or a third person,
95 he uses or diverts to the use of himself or a third person such labor,
96 equipment or facilities.

97 Sec. 5. Subsection (a) of section 16a-38k of the general statutes is
98 repealed and the following is substituted in lieu thereof (*Effective from*
99 *passage*):

100 (a) Notwithstanding any provision of the general statutes, any (1)
101 new construction of a state facility that is projected to cost five million
102 dollars, or more, and for which all budgeted project bond funds are
103 allocated by the State Bond Commission on or after January 1, 2008, (2)
104 renovation of a state facility that is projected to cost two million dollars
105 or more, of which two million dollars or more is state funding,
106 approved and funded on or after January 1, 2008, (3) new construction
107 of a facility that is projected to cost five million dollars, or more, of
108 which two million dollars or more is state funding, and is authorized
109 by the General Assembly pursuant to chapter 173 on or after January 1,
110 2009, and (4) renovation of a public school facility as defined in
111 subdivision (18) of section 10-282 that is projected to cost two million
112 dollars or more, of which two million dollars or more is state funding,
113 and is authorized by the General Assembly pursuant to chapter 173 on
114 or after January 1, 2009, shall comply with or exceed compliance with

115 the silver building rating of the Leadership in Energy and
116 Environmental Design's rating system for new commercial
117 construction and major renovation projects, as established by the
118 United States Green Building Council, or an equivalent standard,
119 including, but not limited to, a two-globe rating in the Green Globes
120 USA design program until the regulations described in subsection (b)
121 of this section are adopted. The Commissioner of Energy and
122 Environmental Protection, in consultation with the Commissioner of
123 Administrative Services and the Institute for Sustainable Energy, shall
124 exempt any facility from complying with said regulations if the
125 Commissioner of Energy and Environmental Protection finds, in a
126 written analysis, that the cost of such compliance significantly
127 outweighs the benefits. Nothing in this section shall be construed to
128 require the redesign of any new construction of a state facility that is
129 designed in accordance with the silver building rating of the
130 Leadership in Energy and Environmental Design's rating system for
131 new commercial construction and major renovation projects, as
132 established by the United States Green Building Council, or an
133 equivalent standard, including, but not limited to, a two-globe rating
134 in the Green Globes USA design program, provided the design for
135 such facility was initiated or completed prior to the adoption of the
136 regulations described in subsection (b) of this section. For purposes of
137 subdivisions (1) and (2) of this subsection, a state facility shall not
138 include a salt shed, parking garage or any type of maintenance facility,
139 provided such shed, garage or facility has incorporated best energy
140 efficiency standards to the extent economically feasible.

141 Sec. 6. (*Effective from passage*) The Commissioner of Transportation
142 shall conduct an analysis of the corrosive effects of chemical road
143 treatments on (1) state, municipal and private vehicles, (2) state,
144 municipal and private roads, bridges, highways and other
145 infrastructure, and (3) the environment. Such analysis shall determine
146 the cost of corrosion created by chemical road treatments and shall
147 include an evaluation of alternative road treatment techniques and
148 products, including, but not limited to, the addition of rust inhibitors
149 to current chemical road treatments, and a comparison of costs and

150 effectiveness. Not later than October 1, 2014, the commissioner shall
151 submit a report, in accordance with the provisions of section 11-4a of
152 the general statutes, to the joint standing committee of the General
153 Assembly having cognizance of matters relating to transportation.
154 Such report shall include the findings, conclusions and
155 recommendations of such analysis.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	13b-2
Sec. 2	<i>October 1, 2014</i>	13b-34(a)
Sec. 3	<i>October 1, 2014</i>	New section
Sec. 4	<i>October 1, 2014</i>	53a-119(7)
Sec. 5	<i>from passage</i>	16a-38k(a)
Sec. 6	<i>from passage</i>	New section

TRA *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 15 \$	FY 16 \$
Department of Transportation	TF Bonds - Potential Savings	0-great than 100,000	0-great than 100,000
Judicial Dept.	GF - Potential Revenue Loss	Minimal	Minimal

Municipal Impact: None

Explanation

Section 1 of the bill results in a potential minimal revenue loss associated with reducing the penalty for failure to pay bus fare. The bill reduces the penalty from larceny in the 6th degree, a class C misdemeanor, to an infraction.

Larceny in the 6th degree includes theft of any property under \$500 and is punishable with a fine of up to \$500. In FY 13 there were a total of 567 violations resulting in an average fine of approximately \$182 each. Included in the 567 are any violations for failure to pay bus fare. Fines for infractions range from approximately \$100 to \$300 but are often less than \$100.

Section 5 specifies certain Department of Transportation (DOT) facilities to be exempt from the Leadership in Energy and Environmental Designs standards. Currently, the Department of Energy and Environmental Protection has the ability to exempt certain facilities from complying with these standards. To the extent these DOT facilities have not been exempt it is anticipated there will be potential savings to DOT in Special Tax Obligation Bonds dependent on the number of facilities that will be exempt each year.

Section 6 requires the Department of Transportation (DOT) to study the impact of corrosive chemical road treatments and is not anticipated to result in a fiscal impact as DOT currently studies this issue.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 235*****AN ACT CONCERNING REVISIONS TO THE TRANSPORTATION STATUTES.*****SUMMARY:**

This bill (1) creates fare inspectors charged with enforcing fares on state-owned or controlled public buses and (2) reduces the penalty for intentionally riding a public bus without paying the fare. Current law classifies failure to pay for public or private bus service as larceny. Under the bill, failure to pay for public bus service is an infraction, for which a fare inspector may issue a citation.

The bill also exempts certain new or renovated state facilities from the Leadership in Energy and Environmental Design's (LEED) energy efficiency standards.

The bill requires the Department of Transportation (DOT) to study chemical road treatments and report its findings and recommendations to the Transportation committee by October 1, 2014. The report must include (1) an analysis of the corrosive effects of road treatments on vehicles, infrastructure, and the environment; (2) the cost of corrosion created by road treatments; and (3) an evaluation of alternative techniques and products, such as rust inhibitors, with a comparison of cost and effectiveness.

EFFECTIVE DATE: October 1, 2014, except for the sections regarding LEED standards and the road treatment study, which are effective upon passage.

FARE ENFORCEMENT ON PUBLIC BUSES

This bill authorizes fare inspectors to issue citations for deliberately

riding a state-owned or controlled public bus without paying the required fare. Fare inspectors may be employees of either DOT or a third-party contractor. They are responsible, when all or part of the fare must be paid off the bus, for inspecting tickets, passes, or other documentation proving an individual paid the appropriate fare.

Under current law, intentionally obtaining bus service without payment is larceny and punishable, depending on the value of the service stolen, by fines and imprisonment. Theft of a service valued at \$500 or less is larceny in the sixth degree, a class C misdemeanor punishable by a fine of up to \$500 and up to three months imprisonment. For state-owned and controlled buses, this bill reduces the offense to an infraction, for which the penalty is a fine payable by mail (see BACKGROUND).

EXEMPTION OF CERTAIN FACILITIES FROM LEED STANDARDS

Under current law, any new construction or renovation of a state facility that meets certain cost and state funding criteria must comply with the silver building rating of the LEED rating system. The bill exempts salt sheds, parking garages, and other maintenance facilities from LEED requirements, provided they incorporate the best economically feasible energy standards.

BACKGROUND

Infractions

Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus a \$20 or \$35 surcharge and an additional fee based on the amount of the fine. There may be other added charges depending upon the type of infraction. With the various additional charges, the total amount due can be over \$300 but often is less than \$100. An infraction is not a crime; and violators can pay the fine by mail without making a court appearance.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 32 Nay 0 (03/14/2014)